

end of the processing of the chicory roots the fructan exohydrolase (FEH) gene in the chicory roots has not been triggered by the occurrence of low temperature conditions,

- said chicory roots have had a growing period of at least 150 days,
- said chicory has been seeded
  - in the northern hemisphere within a period selected from the periods ranging from December 1 till March 14, from March 15 till May 14, from May 15 till May 31, from June 1 till June 14, and from June 15 till November 30, provided that when said chicory has been seeded in the periods from May 15 till May 31, and from June 1 till June 14, the chicory roots have had a growing period of at least 180 days, and provided that when said chicory has been seeded in the period from March 15 till May 14, the chicory roots have been grown and processed under climatological conditions wherein, within a period of at least 220 consecutive days immediately preceding the end of the processing of the roots, no low temperature conditions occurred which triggered the FEH gene, and the chicory roots have had a minimum growing period of at least 160 days,
  - in the southern hemisphere within a period selected from the periods ranging from June 1 till September 14, from September 15 till September 30, from October 1 till November 14, from November 15 till November 30, and from December 1 till May 31.

#### **REMARKS**

Claim 65 has been amended to address the "and/or" alternative language rejection. No new matter has been entered. Pursuant to 37 CFR 1.121, a marked copy of amended claim 65 showing the changes made therein accompanies this Amendment

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